

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:19-MJ-261
)	
THOMAS ERIK SMITH)	<u>UNDER SEAL</u>
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, John M. Parodi, Special Agent (hereinafter "SA") with the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF"), Washington Field Division, Washington D.C., being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been an SA with ATF since December 2016. Prior to joining ATF, I served as a Metropolitan Police Department ("MPD") Officer from 2005 to 2007, as a United States Capitol Police Officer from 2007 to 2009, and as a Deportation Officer for Immigration and Customs Enforcement from 2009 to 2016. I previously served in the United States Army National Guard. I am also a graduate of the Uniform Police Training Program, the Criminal Investigator Training Program, and the ATF Special Agent Basic Training Program.

2. I am currently assigned to the Washington Field Division's Falls Church Group II. My assignments include investigating individuals who are involved in the illegal possession and transfer of firearms, violent crimes involving firearms, and narcotics trafficking. During the course of my career in law enforcement, I have participated in investigations of firearms trafficking, firearms offenses set forth in Titles 18 and 26 of the United States Code, drug trafficking, and organized crime. I have also conducted or participated in interviews, debriefs, surveillance

operations, arrests, and the execution of arrest warrants and search warrants related to firearms trafficking and other offenses. Through my training, education, and experience, I have become familiar with the manner in which firearms are manufactured, transported, stored, and distributed; the methods of payment for such items; and the “lingo” and coded language used by such traffickers.

3. I submit this affidavit in support of a criminal complaint and corresponding arrest warrant charging THOMAS ERIK SMITH (hereinafter “SMITH”) with Possession of a Firearm by a Convicted Felon, in violation of Title 18, United States Code, Section 922(g)(1).

4. The facts and information contained in this affidavit are based upon my personal knowledge, as well as information and evidence obtained from other law enforcement officers and witnesses. All observations I did not personally make were related to me by the individuals who did personally make them, or came from my review of records, documents, and other physical evidence obtained during the course of this investigation. Because this affidavit is being submitted for the limited purposes of establishing probable cause, it does not include each and every fact and matter known to me or other law enforcement officers regarding this matter.

PROBABLE CAUSE

5. On or about March 30, 2019, Manassas Park Police officers conducted a motor vehicle traffic stop of a 2006 Dodge Caravan, bearing Virginia license number: VLU4167, at 8780 Centreville Road, Manassas Park, Virginia, within the Eastern District of Virginia.

6. The officer conducted the stop due to erratic driving behavior, including swerving into adjacent lanes. During the traffic stop, a Manassas Park Police officer observed marijuana in the door handle of the driver’s door. During a resulting probable cause search

of the vehicle, additional marijuana and paraphernalia, as well as a black handgun, were found in the vehicle. The firearm was found in the rear floorboard beneath one of the present children. At that time, SMITH made spontaneous utterances that the firearm belonged to a family member.

7. The vehicle was registered to Amanda Jean Schachner (hereinafter "Schachner"). At the time of the stop, the vehicle was being driven by SMITH, and further occupied by a one year old infant male and a nine year old female, both in the rear passenger seats. Schachner is the mother of the two children.

8. A law enforcement database check conducted at the scene listed the recovered firearm: a Ruger pistol, model LC9S, 9 mm caliber, serial number 328-27851, stolen from North Carolina in 2017. Law enforcement record checks revealed that SMITH had two (2) prior felony convictions in the Circuit Court of Prince William County, VA.

9. On or about April 1, 2019, ATF learned that the listed firearm was originally purchased in North Carolina in 2015.

10. On or about May 3, 2019, your affiant obtained a certified copy of the Sentencing Order dated October 4, 2013, in the Circuit Court of Prince William County for SMITH, listing two convictions from on or about December 27, 2012:

- Felony Credit Card Theft, in violation of Virginia State Code, Section 18.2-192, and
- Felony Credit Card Forgery, in violation of Virginia State Code, Section 18.2-193.

11. The maximum penalties for the Virginia felonies are not less than one year nor more than 20 years, and not less than one year nor more than 10 years, respectively.

12. On or about May 20, 2019, you affiant obtained a scanned copy of a written acknowledgement from the VA Department of Corrections, Probation and Parole District 35, warning against convicted felons receiving, possessing or transporting firearms. The letter states, "Title VII of the [Omnibus Crime Control and Safe Streets Act of 1968] makes the receipt, possession or transportation of any firearm by any person convicted of a felony in a Federal or State Court punishable as a felony." (emphasis in original). The letter was signed by SMITH on October 16, 2013.

13. On or about June 4, 2019, your affiant reviewed a report by the Department of Social Services detailing an interview with Schachner, who indicated that she purchased the vehicle and the firearm was not present at the time of purchase, but that SMITH uses the vehicle, and that she herself did not know that a firearm was presently in the vehicle.

CONCLUSION

14. Based on the information contained in this affidavit, your affiant respectfully submits that there is probable cause to believe that on or around March 30, 2019, within the Eastern District of Virginia, SMITH, a convicted felon, knowingly and unlawfully possessed a firearm in or affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

15. Based on the foregoing, I respectfully request that the Court issue the proposed arrest warrant.

Respectfully submitted,



John Parodi
Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Subscribed and sworn to before me
this 5th day of June, 2019, at Alexandria, Virginia



/s/ _____
Ivan D. Davis
United States Magistrate Judge